

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

April 26, 2006

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In the Matter of  
The Villages of the  
Shadowbrook Estates

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DALA Docket No. DEP-05-806  
DEP Docket No. 2005-115  
File No. PAN-WE-05-6008  
South Hadley

In the Matter of  
Marion Excavating Co., Inc.

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DALA Docket Nos. DEP-05-810, 811  
DEP Docket Nos. 2005-116, 118  
File No. PAN-WE-05-6W009  
File No. UAO-WE-05-6W009  
South Hadley

**FINAL DECISION**

I have reviewed the attached Settlement Agreement signed by Leonard Main, for the petitioner, Marion Excavating Co., Inc., on April 5, 2006, by the Board of Trustees, Paul W. Chartier, Trustee, Stephen Schwartz, Trustee, William G. Rogers, Trustee and George A. Komer, Trustee, for the petitioner, The Villages of the Shadowbrook Estates, by Raymond E. LaPlante, President, James, E. Walsh, Treasurer, for the petitioner, Valley Planning, Inc., on April 6, 2006, by Mederic E. LaFleur, Jr., Trustee, John W. Manly, Trustee, Omer C. Jarrett, Trustee, on behalf of the petitioner, The Villages of the Shadowbrook Estates, on April 18, 2006, and by Steve Ellis, for Michael Gorski, Regional Director, for the Department, on April 4, 2006.

In accordance with section IV, paragraph 19 of the Administrative Consent Order with Penalty and Notice of Noncompliance the petitioners, Marion Excavating, Co., Inc., The Villages

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of the Shadowbrook Estates and Valley Planning, Inc., are ordered to pay a civil administrative penalty in the amount of two thousand dollars (\$2,000.00) within thirty days of the date of this Final Decision. Payment shall be made consistent with the terms of section IV, paragraph 22 of the Administrative Consent Order with Penalty and Notice of Noncompliance. The petitioners are further ordered to perform and complete the Supplemental Environmental Project as described in section IV, paragraph 11 and Attachment A of the Administrative Consent Order with Penalty and Notice of Noncompliance.

The Department issues this final decision incorporating the Settlement Agreement. Under the terms of 310 CMR 1.01(8)(c), these proceedings are dismissed with the parties waiving whatever rights they may have to further administrative review.

*This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.*

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Robert W. Golledge, Jr.  
Commissioner